

Richard G. McCracken SBN #2748  
McCRACKEN, STEMERMAN & HOLSBERRY  
1630 South Commerce Street, Suite A-1  
Las Vegas, Nevada 89102  
Phone: (702) 386-5107  
Fax: (702) 386-9848  
Email: rmcracken@msh.law

*Attorneys for Defendants International Brotherhood  
of Teamsters Local 631*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MICHAEL MILLER,  
Plaintiff,

vs.

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 631; DOES 1  
through 10, inclusive; ROE  
CORPORATIONS 1 through 10, inclusive  
Defendant.

Case No.

**NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. §§ 1331 AND  
1441(a); 29 U.S.C. § 185(a)  
(FEDERAL QUESTION)**

To the Clerk of the United States District Court for the District of Nevada:

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant International Brotherhood of Teamsters, Local 631 (“Defendant” or “Local 631”) hereby removes to this Court the state court action described below.

1. On or about August 24, 2021, an action was commenced in the Eighth Judicial District Court of the State of Nevada for Clark County, Nevada. The case is entitled Michael Miller, Plaintiff, vs. International Brotherhood of Teamsters, Local 631 *et al.* Defendants. The

1 case was assigned number A-21-839999-C and the Complaint is attached hereto as Exhibit A.

2 2. The first date on which Defendant Local 631 received a copy of said complaint  
3 was on or about August 25, 2021, when Defendant was served with a copy of the said complaint  
4 and a summons from the said state court. A copy of the summons is attached hereto as Exhibit  
5 B.

6 3. On September 1, 2021 the parties filed a Stipulation, Request, and Order  
7 Extending Time to Respond to Plaintiff's Complaint ("Stipulation"), which was granted by the  
8 court that same day. Pursuant to that Order, Defendant Local 631's response to Plaintiff's  
9 Complaint was due on October 4, 2021. A copy of the Stipulation is attached hereto as Exhibit  
10 C. The Complaint, Summons, and Stipulation constitute all process, pleadings and orders  
11 served upon Local 631 in this action.

12 4. This action is a civil action of which this Court has original jurisdiction under 28  
13 U.S.C. section 1331, and is one which may be removed to this Court by Defendant pursuant to  
14 the provisions of 28 U.S.C. section 1441(a) in that the first—and only—cause of action for  
15 breach of the duty of fair representation arises under 29 U.S.C. section 185(a). The Complaint  
16 alleges that Local 631 violated the duty of fair representation that it owed to Plaintiff as the  
17 collective bargaining representative for Plaintiff. *See* Complaint, ¶¶ 11–15. The first cause of  
18 action arises under federal law, and is therefore removable under 28 U.S.C. § 1441(a). *Harper*  
19 *v. San Diego Transit Corp.*, 764 F.2d 663, 667 (9th Cir. 1985).

20 5. There are no other defendants named in the suit other than Local 631.

21 6. Venue is proper in the United States District Court for the District of Nevada  
22 because this action was brought in the Eighth Judicial District Court for Clark County, Nevada.

23 7. This Notice of Removal is filed in this Court within thirty days after Local 631  
24 received notice of this action; and within one year of commencement of the action.

25 8. Written notice of the filing of this Notice of Removal will be served on Plaintiff's  
26 counsel on the same date that this Notice is filed. There are no other parties to this action.

27 9. A true and correct copy of this Notice will be filed with the Clerk of the Court of  
28 the Eighth Judicial District Court for Clark County, Nevada.

Date: September 14, 2021

Respectfully submitted,

MCCRACKEN, STEMERMAN & HOLSBERY

BY: /s/ Richard G. McCracken  
Richard G. McCracken, SBN#2748  
1630 S. Commerce Street, Suite A-1  
Las Vegas, NV 89102  
Phone: (702) 386-5107  
Fax: (702) 386-9848  
Email: [rmccracken@msh.law](mailto:rmccracken@msh.law)

*Attorneys for Defendants International  
Brotherhood of Teamsters, Local 631*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MICHAEL MILLER,  
Plaintiff,

vs.

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 631; DOES 1  
through 10, inclusive; ROE  
CORPORATIONS 1 through 10, inclusive  
Defendant.

Case No.

**INDEX OF EXHIBITS**

Exhibit	Description
A	Complaint
B	Summons
C	Stipulation

## Exhibit A - Complaint

Electronically Filed  
8/24/2021 12:54 PM  
Steven D. Grierson  
CLERK OF THE COURT



CASE NO: A-21-839999-C  
Department 25

1 **COMJD**  
2 TREVOR J. HATFIELD, ESQ.  
3 Nevada Bar No. 7373  
4 **HATFIELD & ASSOCIATES, LTD.**  
5 703 South Eighth Street  
6 Las Vegas, Nevada 89101  
7 (702) 388-4469 Tel.  
8 (702) 386-9825 Fax  
9 thatfield@hatfieldlawassociates.com

Attorney for Plaintiff

**EIGHTH JUDICIAL DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

10 MICHAEL MILLER, an individual,  
11 Plaintiff,

12 vs.

13 INTERNATIONAL BROTHERHOOD OF  
14 TEAMSTERS, LOCAL 631, a domestic not for  
15 profit corporation; DOES I through X, inclusive;  
16 ROE CORPORATIONS I through X, inclusive,  
17 Defendants.

CASE NO:  
DEPT NO:

**COMPLAINT**

**[JURY TRIAL DEMANDED]**

18 COMES NOW, Plaintiff MICHAEL MILLER (hereinafter, "Plaintiff"), by and through his  
19 counsel, the law firm of Hatfield & Associates, Ltd., and alleges upon information and belief  
20 against the above-captioned Defendant INTERNATIONAL BROTHERHOOD OF TEAMSTERS,  
21 LOCAL 631 (hereinafter "Defendant") as follows:

22 1. At all times relevant hereto, Plaintiff, residing in Las Vegas Nevada, was and is an  
23 individual residing in the State of Nevada and was employed by Republic Services of Southern  
24 Nevada.

25 2. At all times relevant hereto, Plaintiff was a member of a union when employed by  
26 Republic Services of Southern Nevada.

27  
28 ///

1           3.     At all times relevant hereto, Defendant was and is a collective bargaining union  
2 organizing members in and conducting business in the State of Nevada, or is, based upon Plaintiff's  
3 information and belief, a union conducting business on a regular and continuing basis in Nevada.  
4 Defendant is engaged in the business of union representation and collective bargaining.

5           4.     All acts which form the basis of this complaint occurred during Plaintiff's  
6 termination of employment with Republic Services of Southern Nevada as a truck driver while a  
7 union member with Defendant.

8           5.     All of the acts alleged herein and or failures alleged herein were duly performed by  
9 and or are attributable to Defendant, acting by and through their agents and employees. Said acts  
10 and or failures to act were within the scope of said agency and or employment, and Defendant  
11 ratified said acts and or omissions.

12           6.     The true names or capacities, whether individual, corporate, association or  
13 otherwise, of Defendants DOES I through X, and ROE CORPORATIONS I through X, are  
14 unknown to Plaintiff, who therefore sues said Defendants by such fictitious names. Plaintiff is  
15 informed and believes and therefore alleges that each of the Defendants designated herein as a DOE  
16 and a ROE CORPORATION are responsible in some manner for the events and happenings  
17 referred to and caused damages proximately to the Plaintiff as herein alleged. Plaintiff will ask  
18 leave of this Court to amend its Amended Complaint to insert the true names and capacities of  
19 DOES I through X, and ROE CORPORATIONS I through X, when the same have been ascertained  
20 and to join such Defendants in this action.

21           7.     Plaintiff was terminated by his employer Republic Services of Southern Nevada  
22 from his employment as a garbage truck driver on August 13, 2020. He grieved his termination.  
23 Defendant appointed attorneys to represent him.

24  
25  
26  
27  
28  
///

10. The Arbitrator's Decision of June 6, 2021 found that Plaintiff's grievance was not arbitrable because the request for an arbitration panel was not timely submitted and Mr. Miller therefore lost his arbitration.

### FIRST CAUSE OF ACTION

11. Plaintiff incorporates by reference the allegations set forth in the preceding paragraphs of the First Amended Complaint as though set forth at length herein.

13. As a direct and proximate result of Defendant's failure to fairly represent him, Plaintiff has suffered lost wages, lost benefits, lost seniority, lost future earnings, and lost employment opportunities in an amount to be determined at trial. Therefore, Plaintiff seeks all legal and equitable remedies available at law.



1 14. As a further result of Defendant LOCAL 165's above-stated actions, it has been  
2 necessary for Plaintiff to obtain the services of the law offices of Hatfield & Associates, Ltd., to  
3 prosecute this action, and Plaintiff is entitled to reimbursement for those attorney's fees and costs  
4 which have been reasonably incurred.

5 15. Plaintiff demands a jury trial.

6  
7 **REQUEST AND PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff prays for judgment and damages against Defendant as follows:

- 9 1. An award to Plaintiff for compensatory damages in amount to be shown at trial for past  
10 and future economic and non-economic losses within this Court's jurisdiction subject to proof;  
11 2. An award to Plaintiff for exemplary and/or punitive damages;  
12 3. An award to Plaintiff for reasonable attorney's fees and costs, including but not limited  
13 to expert witness fees, and as provided under state law;  
14 4. An award to Plaintiff of interest on any awards at the highest rate allowed by law; and  
15 5. Such other and further relief as this Court deems just and appropriate.  
16

17 Dated this 24<sup>th</sup> day of August 2021.

**HATFIELD & ASSOCIATES, LTD.**

18 By: /s/ Trevor J. Hatfield  
19

20 Trevor J. Hatfield, Esq. (SBN 7373)  
21 703 South Eighth Street  
22 Las Vegas, Nevada 89101  
23 (702) 388-4469 Tel.  
24 [thatfield@hatfieldlawassociates.com](mailto:thatfield@hatfieldlawassociates.com)  
25 Attorney for Plaintiff  
26  
27  
28

## Exhibit B – Summons

Electronically Issued  
8/24/2021 12:54 PM

**RECEIVED**

**AUG 25 2021**

**Teamsters Local 631**

**CASE NO: A-21-839999-C**  
**Department 25**

TREVOR J. HATFIELD, ESQ.  
Nevada Bar No. 7373  
**HATFIELD & ASSOCIATES, LTD.**  
703 South Eighth Street  
Las Vegas, Nevada 89101  
(702) 388-4469 Tel.  
(702) 386-9825 Fax  
thatfield@hatfieldlawassociates.com

*Attorney for Plaintiff*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

MICHAEL MILLER, an individual,  
  
Plaintiff,

vs.

CASE NO:  
DEPT NO:

**SUMMONS**

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 631, a domestic not for  
profit corporation; DOES I through X, inclusive;  
ROE CORPORATIONS I through X, inclusive,  
  
Defendants.

TO THE DEFENDANT(s): A Civil Complaint has been filed by Plaintiff against you for the  
relief set forth in the Complaint.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 631

c/o Resident Agent Patrick Domholdt

700 North Lamb

Las Vegas, Nevada 89110

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you  
exclusive of the day of service, you must do the following:

a. File with the Clerk of this Court, whose address is shown below, a formal written response  
to the Complaint in accordance with the rules of the Court.

b. Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the Plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.


Issued at the direction of:

STEVEN D. GRIERSON

**HATFIELD & ASSOCIATES, LTD.**

CLERK OF THE COURT

*/s/ Trevor J. Hatfield*

  
Deputy Clerk Ofelia David  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, Nevada 89101

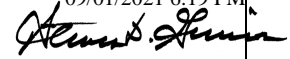
8/25/2021

TREVOR J. HATFIELD  
Nevada Bar No. 7373  
**HATFIELD & ASSOCIATES, LTD.**  
703 South Eighth Street  
Las Vegas, Nevada 89101  
(702) 388-4469 Tel.  
(702) 386-9825 Fax  
[thatfield@hatfieldlawassociates.com](mailto:thatfield@hatfieldlawassociates.com)  
Attorneys for Plaintiff

## Exhibit C – Stipulation

ELECTRONICALLY SERVED  
9/1/2021 6:19 PM

Electronically Filed  
09/01/2021 6:19 PM

  
CLERK OF THE COURT

1 SAO  
2 Richard G. McCracken, SBN #2748  
3 McCRACKEN, STEMERMAN & HOLSBERRY, LLP  
4 1630 S. Commerce Street, Suite A-1  
5 Las Vegas, NV 89102  
6 Phone: (702) 386-5107  
7 Fax: (702) 386-9848  
8 Email: rmccracken@msh.law

9 *Attorneys for Defendants Teamsters, Chauffeurs, Warehousemen, & Helpers Local*  
10 *631*

11  
12 **DISTRICT COURT**  
13 **EIGHTH JUDICIAL DISTRICT**  
14 **CLARK COUNTY, NEVADA**

15 **MICHAEL MILLER**, an individual

16 Plaintiff,

17 vs.

18 **INTERNATIONAL BROTHERHOOD OF**  
19 **TEAMSTERS, LOCAL 631**, a domestic not  
20 for profit corporation; **DOES I through X,**  
21 **inclusive; ROE CORPORATIONS I**  
22 **through X, INCLUSIVE,**

23 Defendants.

Case No.: A-21-839999-C  
DEPT. NO.: XXV

**STIPULATION, REQUEST, AND  
ORDER EXTENDING TIME TO  
RESPOND TO PLAINTIFF'S  
COMPLAINT**

24  
25  
26  
27  
28  
STIPULATION

Case No.: A-21-839999-C

1 Defendant International Brotherhood of Teamsters, Local 631 ("Local 631") by  
 2 and through its attorney, Richard G. McCracken, Esq. and Plaintiff Michael Miller, by  
 3 and through his attorney Trevor J. Hatfield, Esq. hereby respectfully submit this  
 4 Stipulation, Request, and Order Extending Time to respond to Plaintiff's Complaint.  
 5 This Stipulation is made in accordance with Nevada Rule of Civil Procedure 6(b)(1)(A).

6 Plaintiff's Complaint was served on Local 631 on August 25, 2021. According to  
 7 Nevada Rule of Civil Procedure 12(a)(1)(i), Local 631's response would be due on  
 8 September 14, 2021. This request is filed before that date. The below extension of time  
 9 is requested to allow Local 631 additional time to investigate and prepare its response  
 10 to Plaintiff's Complaint.

11 Upon agreement between all the parties, the undersigned respectfully requests  
 12 the Court grant an extension of time to October 4, 2021 for Local 631 to file its response  
 13 to Plaintiff's Complaint.

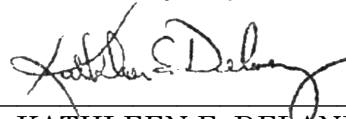
14 **ORDER**

15 IT IS THEREFORE ORDERED that the parties' request for an extension of time  
 16 is GRANTED. Defendant International Brotherhood of Teamsters, Local 631's response  
 17 to Plaintiff's Complaint shall be filed on October 4, 2021.

18 IT IS SO ORDERED.

19  
 20 Dated this \_\_\_\_ day of August, 2021

Dated this 1st day of September, 2021



HON. KATHLEEN E. DELANEY

588 DA5 147B 1500  
 Kathleen E. Delaney  
 District Court Judge

24 ///

25 ///

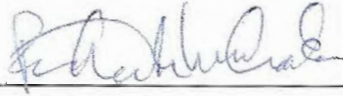
26 ///

27 ///

28 ///

1 Respectfully submitted by,

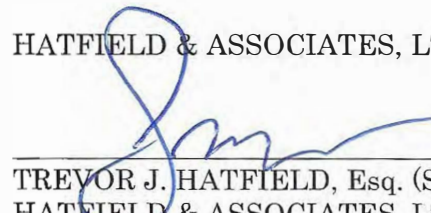
2  
3 Dated this 31st day of August, 2021 McCracken, Stemerman & Holsberry

4  
5 

6 Richard G. McCracken, SBN #2748  
7 1630 S. Commerce Street, Suite A-1  
8 Las Vegas, NV 89102  
9 Phone: (702) 386-5107  
10 Fax: (702) 386-9848  
11 Email: rmccracken@msh.law

12 *Attorneys for Defendants Teamsters,*  
13 *Chauffeurs, Warehousemen, & Helpers Local*  
14 *631*

15  
16 HATFIELD & ASSOCIATES, LTD.

17   
18 TREYOR J. HATFIELD, Esq. (SBN 7373)  
19 HATFIELD & ASSOCIATES, LTD.  
20 703 South Eighth Street  
21 Las Vegas, Nevada 89101

22 *Attorneys for Plaintiff Michael Miller*  
23  
24  
25  
26  
27  
28



**CERTIFICATE OF SERVICE**

I hereby certify that on the 31st day of August, 2021, I served a true and correct copy of the following document:


**STIPULATION, REQUEST, AND ORDER EXTENDING TIME TO  
RESPOND TO PLAINTIFF'S COMPLAINT**

by electronic filing and by placing it in the United States mail, with first-class postage prepaid, addressed to the following:

TREVOR J. HATFIELD, Esq. (SBN 7373)  
HATFIELD & ASSOCIATES, LTD.  
703 South Eighth Street  
Las Vegas, Nevada 89101  
[thatfield@hatfieldlawassociates.com](mailto:thatfield@hatfieldlawassociates.com)

*Attorneys for Plaintiff Michael Miller*

Per NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

  
Katherine Pierre

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Michael Miller, Plaintiff(s)

CASE NO: A-21-839999-C

7 vs.

DEPT. NO. Department 25

8 International Brotherhood of  
9 Teamsters, Local 631,  
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12  
13 This automated certificate of service was generated by the Eighth Judicial District  
14 Court. The foregoing Stipulation and Order was served via the court's electronic eFile system  
to all recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 9/1/2021

16 Trevor Hatfield

thatfield@hatfieldlawassociates.com

17 Freda Brazier

freda@hatfieldlawassociates.com

18 Richard McCracken

rmccracken@msh.law